



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 4, 2021

By ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *United States v. Gundersen*, 21 Cr. 69 (LTS)

Dear Judge Swain:

As the Court is aware, the above-captioned case has been assigned to this Court. The parties have conferred and are available for an arraignment and initial pretrial conference on either March 1, 2021 at noon, or March 3, 2021 at 11:00 a.m. Counsel for the defendant has indicated that he expects the defendant will consent to proceed remotely for that conference, and that the defendant prefers to appear by telephone.

The Government respectfully requests that the Court exclude time between today and the date of the initial pretrial conference, pursuant to 18 U.S.C. § 3161(h)(7)(A). The ends of justice served by granting such exclusion outweigh the best interest of the public and the defendant in a speedy trial, for at least two reasons. First, the exclusion will provide time for defense counsel to review discovery with his client; the Government expects to make a substantial initial production as soon as an appropriate confidentiality order is executed. Second, the exclusion will permit the parties to continue to discuss a possible pretrial resolution of this case. Counsel for the defendant has consented to this request on behalf of his client.

The application is granted. The Court will issue a separate order scheduling the initial pre-trial conference for March 1, 2021, at 12:00 p.m. The Court finds pursuant to 18 U.S.C. § 3161(h)(7)(A) that the ends of justice served by an exclusion of the time from today's date through March 1, 2021, outweigh the best interests of the public and the defendant in a speedy trial for the reasons stated above.

DE#8 resolved.
SO ORDERED.

Dated: 2/5/21

/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

AUDREY STRAUSS
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Southern District of New York

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cc: Daniel Bibb, Esq.